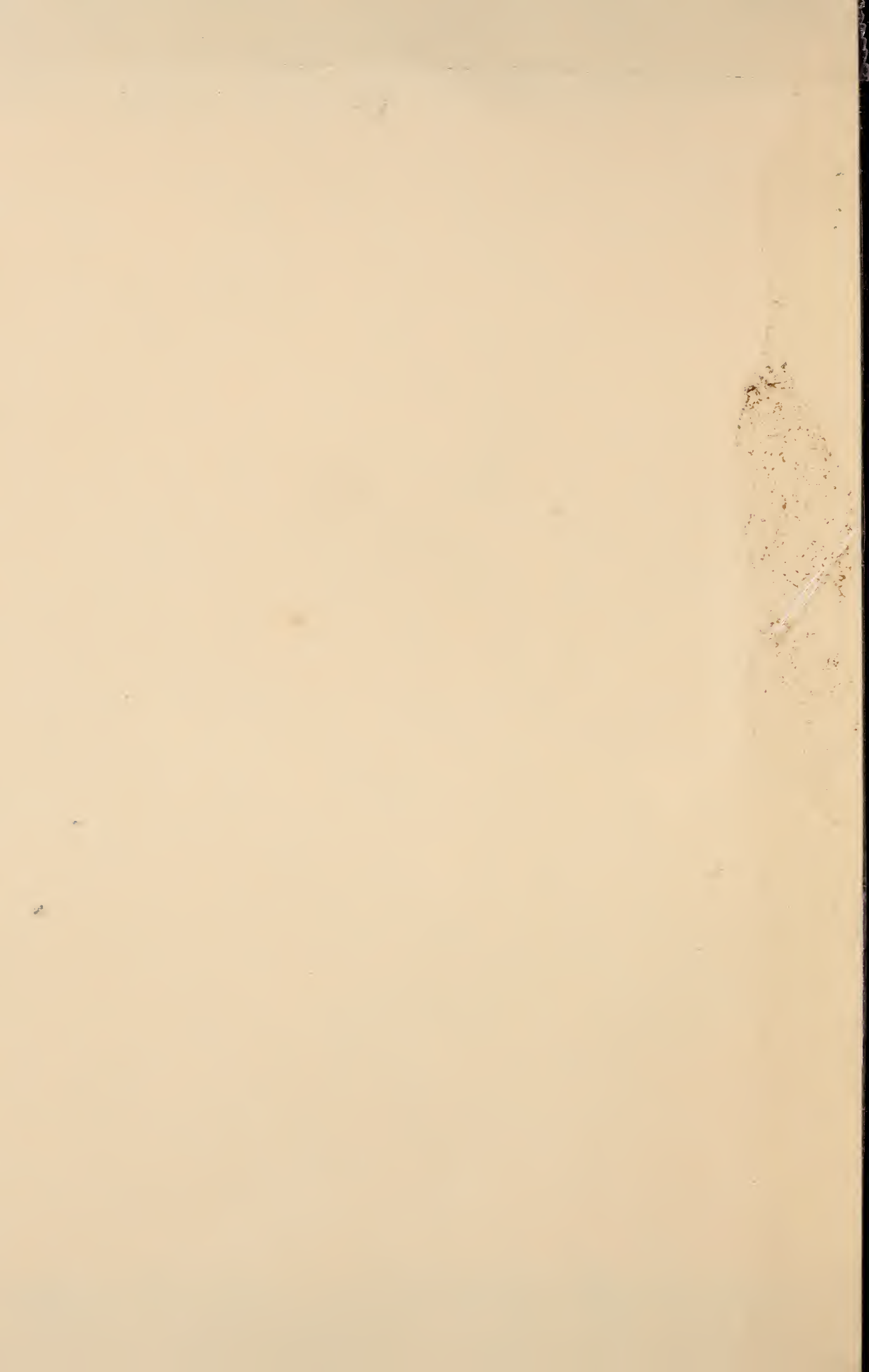
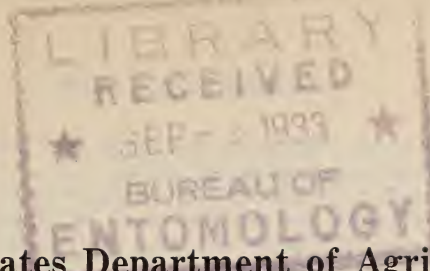


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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT

[Given pursuant to section 4 of the insecticide act]

1261-1275

[Approved by the Acting Secretary of Agriculture, Washington, D.C., August 2, 1933]

1261. Misbranding of Genuine Empress Vetivert. U.S. v. 200 Cases of Genuine Empress Vetivert. Consent decree of condemnation and forfeiture. Product released under bond. (I. & F. No. 1601. Sample No. 5001-A.)

Examination of the product Genuine Empress Vetivert, involved in this action, showed that certain statements, appearing on the shipping case and in a circular and display card accompanying the article, represented that it would be effective to protect clothes from moths, whereas it would not. The article was entirely inert and failed to bear on the containers an inert ingredient statement as required by law.

On or about September 30, 1932, the United States attorney for the northern district of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 200 cases of Genuine Empress Vetivert at Chicago, Ill. It was alleged in the libel that the article had been shipped on or about June 20, 1932, by the American Paper Manufacturing Co., from New Orleans, La., into the State of Illinois, and that it was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

It was alleged in the libel that the article was misbranded and that the following statements appearing in the labeling were false and misleading and deceived and misled the purchaser, since the said article when used as directed, would not protect clothes from moths: (Shipping case and circular) "Protection against Moths * * * Think of the protection it will give them. * * * They being porous, allow the odor to escape and * * * protect the garments. * * * It * * * at the same time protects from the moths, because Empress Vetivert is an efficient moth repellent. Empress Vetivert keeps clothes safe from moths, too! * * * it will insure them against the moths"; (display card) "Protect Your Clothes from Moths." Misbranding was alleged for the further reason that the article consisted entirely of inert material and the label did not bear a statement of the name and percentage amount of such inert material.

On October 13, 1932, the American Specialty Co., Inc., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the amount of \$1,000, conditioned that it should not be sold contrary to law.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

1262. Adulteration and misbranding of B.P.A. "A" brand bean dust. U.S. v. Bridgeville Packing Association. Plea of guilty. Fine, \$25. (I. & F. No. 1599. Dom. No. 39462. Sample No. 9837-A.)

This action was based on two interstate shipments of an insecticide and fungicide, which contained smaller proportions of the active ingredients, calcium arsenate and monohydrated copper sulphate, and less total arsenic, ex-

pressed as metallic, than stated on the label, and which contained a greater proportion of inert ingredients than so stated.

On October 25, 1932, the United States attorney for the district of Delaware, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for the district aforesaid an information against the Bridgeville Packing Association, a corporation, Bridgeville, Del., alleging shipment by said company in violation of the Insecticide Act of 1910, on or about August 14, 1931, and June 7, 1932, from the State of Delaware into the State of Maryland, of quantities of B.P.A. "A" brand bean dust, which was an adulterated and misbranded insecticide and fungicide with the meaning of said act.

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it contained less calcium arsenate, less monohydrated copper sulphate, less total arsenic (as metallic), and more inert ingredients than declared.

Misbranding was alleged for the reason that the statements, "Active Ingredients: Calcium Arsenate 19.5%, Copper Metallic (Monohydrated Copper Sulphate) 19.5%, Inert Ingredients 61.0% * * * Total arsenic as metallic 7.34%", borne on the tag attached to the bags containing the article, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since the article contained less than 19.5 percent of calcium arsenate, it contained less than 19.5 percent of monohydrated copper sulphate, it contained less than 7.34 percent of total arsenic (expressed as metallic), and contained more than 61 percent of inert ingredients.

On January 26, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

1263. Adulteration and misbranding of Calispray No. 1. U.S. v. One 25-Pound Drum of Calispray No. 1. Default decree of condemnation and destruction. (I. & F. No. 1598. Sample No. 13801-A.)

This action involved the shipment of a quantity of Calispray No. 1, an insecticide, which contained less nicotine and sulphur and more inert ingredients than stated on the label.

On September 7, 1932, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of one 25-pound drum of Calispray No. 1 at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about June 7, 1930, by the Calispray Manufacturing Co., from Los Angeles, Calif., to Phoenix, Ariz., and charging adulteration and misbranding in violation of the Insecticide Act of 1910.

It was alleged in the libel that the article was adulterated in that its strength or purity fell below the professed standard or quality under which it was sold, in that it was deficient in nicotine and sulphur, and contained more inert ingredients than claimed on the label.

Misbranding was alleged for the reason that the statements on the label, "Nicotine, not less than 1.7%, Sublimed sulphur, not less than 70.0%, inert ingredients, not more than 28.3%", were false and misleading and deceived and misled the purchaser, since the article was deficient in nicotine and sulphur, and contained more inert ingredients than stated on the label.

On October 3, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

1264. Adulteration and misbranding of Niagara "All in One" mixture. U.S. v. Niagara Sprayer & Chemical Co., Inc. Plea of guilty. Fine, \$25. (I. & F. No. 1571. Dom. No. 38021.)

This action was based on the interstate shipment of a quantity of Niagara "All in One" mixture, which was an insecticide within the meaning of the law and which contained smaller percentages of lead arsenate, sulphur, and arsenic (expressed as metallic) than the amounts declared on the label, and inert ingredients in a proportion greater than declared. The label purported to declare the active ingredients, and failed to list copper (expressed as metallic) as one of the active ingredients of the article.

On March 11, 1932, the United States attorney for the western district of New York, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for the district aforesaid an information against the Niagara Sprayer & Chemical Co., Inc., a corporation, Middleport, N.Y., alleging shipment by said company in violation of the Insecticide Act of 1910, on or about June 17, 1931, from the State of New York into the State of Pennsylvania, of a quantity of Niagara "All In One" mixture, which was adulterated and misbranded.

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it contained less lead arsenate, less sulphur, more inert ingredients, and less arsenic (as metallic) than represented on the label.

Misbranding was alleged for the reason that the statements, "Active Ingredients: Nicotine not less than 1.00%, Lead Arsenate not less than 9.00%, Sulphur not less than 75.00%, Inert Ingredients not over 15.00%, Arsenic (as metallic) not less than 1.76%", borne on the cans containing the article, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, since the said statements represented that the article contained lead arsenate, sulphur, inert ingredients, and arsenic (as metallic) in the percentages declared, and that the active ingredients consisted of nicotine, lead arsenate, and sulphur only, whereas the article contained less lead arsenate, less sulphur, more inert ingredients, and less arsenic (as metallic) than represented on the label, and the active ingredients consisted of copper (expressed as metallic) in addition to the active ingredients which were declared.

On February 20, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

1265. Adulteration and misbranding of pine oil disinfectant. U.S. v. One 30-Gallon Drum of Industrial Pine Disinfectant. Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 1577. S. No. 260.)

This action involved the interstate shipment of a product represented to be a pine oil disinfectant. Examination showed that mineral oil had been substituted in part for the article; that it did not possess the disinfecting properties claimed in the labeling; and that the inert ingredients present were not plainly and correctly declared on the label.

On April 1, 1932, the United States attorney for the western district of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of one 30-gallon drum of Industrial Pine Disinfectant. It was alleged in the libel that the article had been shipped in interstate commerce on or about January 14, 1932, by the Industrial Laboratories, Inc., from Baltimore, Md., to Waynesboro, Va., that having been so transported it remained unsold in the original packages at Waynesboro, Va., and that it was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

Adulteration of the article was alleged in the libel for the reason that the statement, "Industrial Pine Disinfectant * * * A soluble Pine Oil Disinfectant Phenol Co-efficient of 3 plus", borne on the label affixed to the drum containing the article, represented that it was a pine oil disinfectant and that it had a phenol coefficient of 3 plus, whereas the strength of the article fell below the professed standard and quality under which it was sold, in that it was a mixture of mineral oil and pine oil disinfectant and had a phenol coefficient of 1.5 (F.D.A. method). Adulteration was alleged for the further reason that mineral oil had been substituted in part for pine oil disinfectant.

Misbranding was alleged for the reason that the statements, "Industrial Pine Disinfectant * * * A Soluble Pine Oil Disinfectant Phenol Co-efficient of 3 plus * * * It is Non-Toxic * * * Pine Disinfectant has certain advantages over many other common disinfectants * * * It is more effective. * * * Pine Disinfectant * * * It is Excellent as a Douche and Dips for Animals * * * As a Douche and Animal Dip use a 2% Solution * * * Disinfectant * * * for Dip Machines use a 4% Solution * * * Disinfectant * * * It is Valuable for use in Drainage Pipes. Pour 3 to 4 ounces of full strength Pine Disinfectant Into the Pipes several times each week * * * For Disinfecting Room, use the full strength Pine Disinfectant in open pans and allow to stand", borne on the label, were false and misleading, and

by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since they represented that the article consisted of pine oil disinfectant only, i. e., that it was a mixture of pine oil, soap, and water, that it had a phenol coefficient of 3 plus, that it was nontoxic, that it was more effective than many common disinfectants and that it would, when used as directed, act as an excellent disinfectant as a douche and as a dip for animals, would disinfect when used in a drip machine, and would disinfect drainage pipes and rooms; whereas the article did not consist of pine oil disinfectant only, but did consist of a mixture of pine oil, mineral oil, soap, and water; it had a coefficient less than 3 plus, to wit, 1.5 (F.D.A. method), and it was not nontoxic; it was not more effective than many common disinfectants, and the said article, when used as directed, would not act as an excellent disinfectant as a douche or a dip for animals, would not disinfect when used in a drip machine, would not disinfect drainage pipes, and would not disinfect rooms.

Misbranding was alleged for the further reason that the article consisted partially of inert substances, namely, water and mineral oil, which substances do not prevent, destroy, repel, or mitigate fungi (bacteria), and the name and percentage amount of each and every one of the said inert substances present in the article were not stated plainly and correctly on the label; nor, in lieu thereof, were the names and percentage amounts of each and every ingredient of the article having fungicidal properties, and the total percentage of the inert ingredients present in the article, stated plainly and correctly on the label.

On November 1, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

1266. Adulteration and misbranding of calcium arsenate. U.S. v. John L. Mosby, Sr., and John L. Mosby, Jr. (John L. Mosby Co.) Pleas of guilty. Fines, \$20. (I. & F. No. 1569. Dom. Nos. 36679, 37447.)

This action was based on two interstate shipments of a product which was represented to be calcium arsenate and which consisted of lead arsenate and lime. The inert ingredients, the amount of arsenic, and the amount of arsenic in water-soluble form, were not plainly and correctly stated on the label as required by law.

On May 16, 1932, the United States attorney for the western district of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for the district aforesaid an information against John L. Mosby, Sr., and John L. Mosby, Jr., trading as the John L. Mosby Co., Memphis, Tenn., alleging shipment by said defendants in violation of the Insecticide Act of 1910, on or about July 25, 1931 and August 7, 1931, from the State of Tennessee into the States of Mississippi and Arkansas, respectively, of quantities of a product labeled "Calcium Arsenate", which was adulterated and misbranded.

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to be calcium arsenate and was in fact lead arsenate and lime. Adulteration was alleged for the further reason that lead arsenate and lime had been substituted for calcium arsenate.

Misbranding was alleged for the reason that the statement "Calcium Arsenate", borne on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article contained arsenic, and also arsenic in water-soluble form; and the total amount of arsenic present, and the total amount of arsenic in water-soluble form, were not stated on the label. Misbranding was alleged for the further reason that the article consisted partially of inert ingredients, i.e., substances which do not prevent, destroy, repel, or mitigate insects, and the name and percentage amount of each and every inert substance present in the article were not stated plainly and correctly, or at all, on the labels affixed to the drums containing the article; nor, in lieu thereof, were the name and percentage amount of each ingredient of the article having insecticidal properties, and the total percentage of the inert substances present therein, stated plainly and correctly, or at all, on the label.

On February 20, 1933, the defendants entered pleas of guilty to the information, and the court sentenced each defendant to pay a fine of \$10 in lieu of fine and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

1267. Adulteration and misbranding of Jay's cedar moth compound. U.S. v. Jay Chemical Corporation. Plea of guilty. Fine, \$50. (I. & F. No. 1608. Sample No. 10146-A.)

This action involved a shipment of a product intended for use in the control of moths. Examination showed that the article, when used as directed, would not be an effective protection against moths; that it contained no naphthalene, one of the alleged ingredients; also that the packages contained less than the weight declared on the label.

On December 14, 1932, the United States attorney for the eastern district of New York, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for the district aforesaid, an information in four counts, against the Jay Chemical Corporation, Brooklyn, N.Y., alleging shipment by said company in violation of the Insecticide Act of 1910, on or about April 30, 1932, from the State of New York into the State of New Jersey, of a quantity of Jay's cedar moth compound, which was adulterated and misbranded.

It was alleged in the information that the article was adulterated in that the statement, "A Combination of Cedar Wood, Naphthalene, Oil of Cedar, Oil of Lavender", borne on the label of the package, represented that the article consisted in part of naphthalene, whereas its strength and purity fell below the professed standard and quality under which it was sold, since it did not consist in part of naphthalene.

Misbranding was alleged for the reason that the statements, "A Combination of Cedar Wood, Naphthalene, Oil of Cedar, Oil of Lavender", "Jay's Cedar Moth Compound For Trunks, For Closets, For Upholstered Furniture An Excellent Moth Preventive * * * Jay's Cedar Moth Compound Observe the following rules: 1. Clean and Brush all woolens, clothing, furs, etc., thoroughly. 2. Expose to fresh air and sunlight for several hours. 3. Be certain all articles to be stored are thoroughly dry and absolutely free from moths, their eggs and larvae before packing. 4. Sprinkle layer of Jay's Cedar Moth Compound on the bottom of receptacles and between the layers of articles stored, also on top layer. 5. When storing delicate fabrics, cover garment with cotton cloth, then sprinkle Jay's Cedar Moth Compound on the cotton covering. 6. For cedarizing closets, fill bags of cheese cloth with Jay's Cedar Moth Compound, and hang near garments. 7. If articles are to be stored for a great length of time, replace Jay's Cedar Moth Compound every three months. * * * Protect your Clothing, Carpets, Furs, Woolens and Mohair Furniture by packing with this stainless Jay's Cedar Moth Compound", borne on the package label, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, since they represented that the article consisted partially of naphthalene, and, when used as directed, would act as an effective preventive and protection against moths; whereas the article contained no naphthalene, and, when used as directed, would not act as an effective preventive and protection against moths. Misbranding was alleged for the further reason that the contents of the packages were not plainly and correctly stated in terms of weight on the outside of the packages, since they were labeled, "Net Weight When Packed 5 Oz.", and in fact contained less than 5 ounces.

Misbranding was alleged for the further reason that the article consisted partially of an inert substance, namely, cedar wood exclusive of cedar-wood oil, that is to say, a substance that does not prevent, destroy, repel, or mitigate insects, and the name and percentage amount of the said inert substance present in the article, were not stated plainly and correctly on the label; nor, in lieu thereof, were the names and percentage amounts of the substances or ingredients of the article having insecticidal properties, and the total percentage of the inert substance so present, stated plainly and correctly on the label.

On March 28, 1933, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$50 on the first count, and suspended sentence on the remaining three counts.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

1268. Adulteration and misbranding of All-Nu plant and garden insect spray. U.S. v. All-Nu Products Co. Plea of guilty. Fine, \$50. (I. & F. No. 1608. Dom. No. 34465.)

Examination of the insecticide involved in this case showed that it would not be effective against certain insects which the labeling represented that it would control or destroy; it was not 100 percent active, as labeled; it con-

tained an inert ingredient which was not declared on the label; it was also short weight.

On April 7, 1933, the United States attorney for the district of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for the district aforesaid an information against the All-Nu Products Co., a corporation trading at Camden, N.J., alleging shipment by said company in violation of the Insecticide Act of 1910, on or about July 22, 1931, from the State of New Jersey into the State of Massachusetts, of a quantity of All-Nu plant and garden insect spray, which was adulterated and misbranded.

It was alleged in the information that the article was adulterated in that the statements, "100% active. Contains no inert ingredients. * * * [in French] 100% actif. Ne contient pas des éléments inerts", borne on the label, represented that its standard and quality were such that it consisted entirely of active ingredients, that is to say, ingredients that would prevent, destroy, repel, or mitigate insects; whereas the strength and purity of the article fell below the professed standard under which it was sold, since it consisted in large part of an inert ingredient, water. Adulteration was alleged for the further reason that the article was intended for use on vegetation, and contained a substance which would be injurious to vegetation, when applied thereto as directed.

Misbranding was alleged for the reason that the statements on the can label, "100% active. Contains no inert ingredients. * * * [in French] 100% actif. Ne contient pas des éléments inerts. * * * Contents: 8 fl. ounces. .237 Liters", borne on the label, were false and misleading; and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, since it did not consist entirely of active ingredients, and the cans did not contain 8 fluid ounces or 0.237 liter of the article. Misbranding was alleged for the further reason that the statements on the label "All Nu Plant and Garden Insect Spray * * * Kills Japanese Beetles * * * This spray is especially recommended for killing such insects as * * * Bean Beetle, * * * Cucumber Beetle, Japanese Beetle, Potato Beetle, * * * [translation from French] All Nu Vapor for plant and garden insects. * * * This spray is especially recommended for killing practically all plant and garden insects such as Bean Beetle * * * Cucumber Beetle * * * Potato Beetle Caterpillars, etc.", were false and misleading; and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since the article, when used as directed, would not act as an effective spray against Japanese beetles, bean beetles, cucumber beetles, potato beetles, caterpillars, and practically all plant and garden insects.

Misbranding was alleged for the further reason that the article consisted partially of an inert substance, water, that is to say, a substance that does not prevent, destroy, repel, or mitigate insects, and the name and percentage amount of the said inert substance so present in the article were not stated plainly and correctly on the label affixed to each of the cans containing the article; nor, in lieu thereof, were the name and percentage amount of each and every ingredient of the article having insecticidal properties, and the total percentage of the inert substances or ingredients present therein, stated plainly and correctly on the label.

On April 27, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

1269. Misbranding of Hexol. U.S. v. One Hundred and Thirty-Three 2-Ounce Bottles, et al., of Hexol. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (I. & F. No. 1602. Sample No. 15149-A.)

This case involved shipments of Hexol, a product intended for use in the control of certain insects and fungi (bacteria). Examination showed that the article did not possess the disinfecting and germicidal properties claimed, that it would not repel fleas when used as directed, and that the label failed to declare the inert ingredients as required by law.

On October 11, 1932, the United States attorney for the western district of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of one hundred and thirty-three 2-ounce bottles, one hundred and fourteen 6-ounce bottles, and thirty-three 16-ounce bottles of Hexol. It was alleged in the libel that the article had been shipped in interstate com-

merce on or about March 12, May 13, and May 17, 1932, by Hexol, Inc., from San Francisco, Calif., into the State of Washington, that having been so transported it remained in the original unbroken packages at Seattle, Wash., and that it was a misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

Misbranding was alleged for the reason that the article consisted partially of an inert substance, water, which does not prevent, destroy, repel, or mitigate insects or fungi, and the cartons containing the 16-ounce, 6-ounce, and 2-ounce bottles, and the bottle labels of the 2-ounce bottles did not bear a statement of the name and percentage amount of the said inert substance; nor, in lieu thereof, did there appear on the said cartons or on the bottle label of the 2-ounce size, a statement of the name and percentage amount of each and every ingredient of the article having insecticidal and fungicidal properties, and the total percentage of the inert ingredients present in the article.

Misbranding was alleged for the further reason that the statement "Safe" on the bottle labels, the statements, "More than a Safe, Powerful * * * Antiseptic", borne on the cartons, and the statement, "A general Antiseptic", appearing in the circular shipped with the article, were false and misleading and deceived and misled the purchaser, since the said statements represented that the article was a safe, nonpoisonous, powerful antiseptic, and was a general antiseptic; whereas it was not nonpoisonous, it was not safe, and was not a powerful antiseptic, and was not a general antiseptic.

Misbranding was alleged for the further reason that the statements on the labels of the 16-ounce and 6-ounce bottles, "For Feminine Hygiene: One teaspoon of Hexol in one quart of warm water is widely in use for a sanitary flush. (Recommended by doctors)", and the statements in the circular accompanying all sizes of the bottles, "For Internal (vaginal) Douches in infectious cases, leading men of the profession employ a 5 per cent solution in warm water as a routine treatment, followed by a flush of distilled water. For a Maternity Pour (external douche) a 0.4 per cent solution in warm water is widely in use. For the purpose of Feminine Hygiene, the same solution may be recommended. * * * Complete Dilution Chart * * * For feminine douches 1 teaspoonful in 1 quart of warm water", were false and misleading and deceived and misled the purchaser, since the article, when used as directed, was not an effective germicide for feminine douches for the purposes claimed.

Misbranding was alleged for the further reason that the statements on the labels of the 16-ounce and 6-ounce bottles, "For Scrubbing Floors, washing bedsteads, furniture, etc. (in sick rooms, offices, waiting rooms, lavatories): Two teaspoonfuls of Hexol in one quart of water", and the statements in the circulars, "Complete Dilution Chart * * * For scrubbing floors, rinsing of bed linen 1 ounce to 1 gallon of water", were false and misleading and deceived and misled the purchaser, since the article, when used as directed, was not an effective disinfectant for the purposes claimed.

Misbranding was alleged for the further reason that the statements on the labels of the 16-ounce and the 6-ounce bottles, "In The Kennel: After washing the dog with Hexol Liquid Soap, Rinse with one tablespoonful of Hexol in one gallon of water. Improves the coat and repels fleas", were false and misleading and deceived and misled the purchaser, since the article, when used as directed, would not be effective in repelling fleas, and would not be effective in killing fleas unless repeatedly applied.

Misbranding was alleged for the further reason that the following statements "Recent laboratory tests have shown that Pine Oil Disinfectants will kill the organisms specified in five minutes, as tested by standard laboratory methods. B. Typhosus 1-300. B. Cholierae 1-300 B. coli 1-200, B. Dyphtheria 1-100, Streptococcus scarlatina 1-200. Streptococcus hemolitic 1-150, Streptococcus viridans 1-25", appearing in the circulars, were false and misleading and deceived and misled the purchaser, since the said statements represented and implied that the article was an effective disinfectant against said organisms listed therein, if used in the dilution therein specified, whereas it was not.

Misbranding was alleged for the further reason that the statements in the circular, "Germicide * * * For the Baby's Bath. One tablespoonful of Hexol to one gallon of warm water (up to 2 months, 100 deg. Fahr. and after that 90 deg. Fahr.) Always use thermometer * * * Complete Dilution Chart * * * For the baby's bath 1 tablespoonful in 1 gal. water (see ¶4)", were false and misleading and deceived and misled the purchaser, since the article was not an effective germicide or disinfectant when used in the dilution specified.

Misbranding was alleged for the further reason that the statements in the circular, "For Use in Surgery, Treatment Room, and Office Use full strength for antiseptic immersion of instruments. Note: Keep trays or containers covered when not in use, in order to prevent evaporation and the formation of a surface film. This product is condensed and therefore contains a minimum of water. For Cleaning Operating Tables & Equipment If used full strength on a wet cloth, it will be found to be much more effective than grit soaps. The product dissolves grease and dirt without damage to the finest enamel ware, * * * Germicide * * * For Cuts, Burns and Bruises. Apply full strength * * * Complete Dilution Chart * * * As a gargle or mouth wash 1 to 6 drops in glass of water", were false and misleading and deceived and misled the purchaser, since the article was not an effective disinfectant for the purposes stated, nor would it be an effective germicide for cuts, burns, and bruises when used full strength, nor an effective germicide or mouth wash, when diluted as directed.

On March 20, 1933, Hexol, Inc., San Francisco, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned that it be relabeled under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

1270. Misbranding of Q.W. sulphur compound solution. U.S. v. Henry Vibert (Q-W Laboratories). Plea of guilty. Fine, \$50. (I. & F. No. 1574. Dom. No. 34037.)

This case was based on the interstate shipment of a product intended, for use, among other uses, as an insecticide. Examination showed that it would not help kill fleas, lice, and similar vermin, as claimed in the labels.

On April 7, 1933, the United States attorney for the district of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for the district aforesaid an information against Henry Vibert, trading as the Q-W Laboratories, Bound Brook, N.J., alleging shipment by said defendant in violation of the Insecticide Act of 1910, on or about January 12, 1931, from the State of New Jersey into the State of New York, of a quantity of Q.W. sulphur compound solution, which was misbranded.

It was alleged in the information that the article was misbranded in that the statement, "Helps also to kill fleas, lice and similar vermin", borne on the bottle label, was false and misleading, and by reason of the said statement the article was labeled and branded so as to deceive and mislead the purchaser, since the statement represented that the article, when used as directed, would act as an effective insecticide against fleas, lice, and all similar vermin, whereas it would not.

The interstate shipment of the product also involved a violation of the Federal Food and Drugs Act (F. & D. no. 28076, N.J. no. 20599), both violations being covered by one information. On May 3, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50, as penalty for violation of both acts.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

1271. Adulteration and misbranding of Tabako-Fumes powder. U.S. v. Eleven 12½-Pound Tins of Tabako-Fumes Powder. Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 1615. Sample No. 21362-A.)

Examination of the insecticide, Tabako-Fumes powder, showed that the article contained a much smaller proportion of nicotine than declared on the label, and that the inert ingredients were correspondingly greater than declared. It also was claimed for the article that it would be effective in the control of certain insects, whereas it would not be effective when used as directed.

On April 6, 1933, the United States attorney for the district of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of eleven 12½-pound tins of Tabako-Fumes powder, remaining in the original unbroken packages at Murray Hill, N.J. It was alleged in the libel that the article had been shipped in interstate commerce on or about February 6, 1933, by A. H. Friedman, from Brooklyn, N.Y., to Murray Hill, N.J., and that it was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

Adulteration was alleged in the libel for the reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, since it was labeled, "Nicotine not less than 4.07%, Inert Ingredients—Not More than 95.93%", whereas it contained not more than 0.44 percent of nicotine, and not less than 99.56 percent of inert ingredients.

Misbranding was alleged for the reason that the statements, "Nicotine not less than 4.07%, Inert Ingredients—Not more than 95.93%, * * * Tabako-Fumes Powder * * * For Fumigating Greenhouses * * * For the treatment of Black Fly, Thrips, Green Fly, etc. a 3½ inch flowerpot filled with Tabako-Fumes is sufficient for about 4000 to 6000 cubic feet of air space", borne on the label affixed to the tins containing the article, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since the article contained less nicotine and more inert ingredients than declared, and, when used as directed, would not be effective for the treatment of black fly, thrips, green fly, and other insects indicated by the abbreviation "etc."

On May 12, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

1272. Adulteration and misbranding of Agri Pax. U.S. v. Morris B. Reade, Inc. Plea of guilty. Fine, \$50. (I. & F. No. 1612. Sample Nos. 10118-A, 10988-A.)

This case was based on interstate shipments of an insecticide known as Agri Pax, which contained an inert ingredient, water, in a proportion greater than declared on the label. Sample cans also were found to contain less than the declared volume.

On April 10, 1933, the United States attorney for the district of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for the district aforesaid an information against Morris B. Reade, Inc., a corporation, Belleville, N.J., alleging shipment by said company in violation of the Insecticide Act of 1910, on or about June 7 and June 14, 1932, from the State of New Jersey into the State of New York, of quantities of Agri Pax that was adulterated and misbranded.

It was alleged in the information that the article was adulterated in that the strength and purity of the article fell below the professed standard and quality under which it was sold, since it was labeled, "Inert matter—Water 75%", whereas it contained water in a proportion greater than 75 percent.

Misbranding was alleged for the reason that the statement, "Inert matter—Water 75%", borne on the label, was false and misleading, and by reason of the said statement the article was labeled so as to deceive and mislead the purchaser, since it contained more than 75 percent of water. Misbranding was alleged for the further reason that the quantity of the contents of the cans was not correctly stated on the outside thereof, since the labels bore the statement, "Contents one quart—two pounds", whereas the cans contained less than 1 quart, and less than 2 pounds.

On May 3, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

1273. Adulteration and misbranding of Hydrox. U.S. v. 36 Cases of Hydrox. Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 1614. Sample No. 14247-A.)

This case involved an interstate shipment of Hydrox, a product intended for use in the control of fungi (bacteria). Examination showed that the article contained a smaller proportion of the active ingredient, sodium hypochlorite, and a larger proportion of inert ingredients than declared on the label.

On March 28, 1933, the United States attorney for the district of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 36 cases, each containing 2 dozen bottles, of Hydrox, remaining in the original unbroken packages at Salisbury, Md., alleging that the article had been shipped in interstate commerce on or about November 1, 1932, by the Hydrox Chemical Co., from Camden, N.J., to Salisbury, Md., and charging misbranding in violation of the Insecticide Act of 1910.

It was alleged in the libel that the article was adulterated in that the statements, "Active Ingredient Sodium Hypochlorite 4%, Inert Ingredients,

96% ", borne on the bottle labels, represented that its standard and quality were such that it contained sodium hypochlorite in the proportion of not less than 4 percent, and contained inert ingredients, i.e., substances that do not prevent, destroy, repel, or mitigate fungi (bacteria), in the proportion of not more than 96 percent; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, since it contained less than 4 percent of sodium hypochlorite, and more than 96 percent of inert ingredients.

Misbranding was alleged for the reason that the statements above quoted, appearing on the bottle labels, were false and misleading; and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser.

On May 19, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

1274. Adulteration and misbranding of Chipman brand dry powdered Bordeaux mixture. U.S. v. 144 Bags of Chipman Brand Dry Powdered Bordeaux Mixture. Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 1619. Sample No. 32620-A.)

This case involved an interstate shipment of Bordeaux mixture which fell below the professed standard and quality under which it was sold, since it contained a smaller proportion of the active ingredient, copper, and a larger proportion of inert ingredients than declared on the label.

On or about April 27, 1933, the United States attorney for the southern district of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 144 bags of Shipman brand dry powdered Bordeaux mixture at Tampa, Fla., alleging that the article had been shipped in interstate commerce, on or about January 26, 1933, by the Chipman Chemical Co., from Bound Brook, N.J., to Tampa, Fla., and charging adulteration and misbranding in violation of the Insecticide Act of 1910.

It was alleged in the libel that the article was adulterated in that it contained less copper and more inert ingredients than stated on the label.

Misbranding was alleged for the reason that the statements on the label, "Active Ingredient, copper (as Metallic) not less than 13%, Inert Ingredients not more than 87%", were false and misleading and tended to deceive and mislead the purchaser.

On May 29, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

1275. Misbranding of Mothex. U.S. v. Roseth Chemical Division, Inc. Plea of guilty. Fine, \$50. (I. & F. No. 1607. Sample No. 10126-A.)

This case was based on an interstate shipment of an insecticide intended for use in controlling moths. Examination showed that the article contained no ingredients capable of killing or preventing moths when used for that purpose, as directed in the labeling.

On March 2, 1933, the United States attorney for the eastern district of New York, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for the district aforesaid an information against the Roseth Chemical Division, Inc., a corporation, Brooklyn, N.Y., alleging shipment by said company in violation of the Insecticide Act of 1910, on or about March 2, 1932, from the State of New York into the State of New Jersey, of a quantity of Mothex, which was a misbranded insecticide within the meaning of said act.

It was alleged in the information that the article was misbranded in that the statements, "Kills Moths and Moth Larvae * * * It is an ideal moth preventative. * * * Sprinkle contents on clothing, woollens, carpets, upholstery and furniture, etc." borne on the label affixed to the cans containing the article, were false and misleading; and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, since the article, when used and applied as directed, would not kill, and would not act as a preventive against moths and moth larvae.

On March 27, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

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